

# Notice of Allowability

Application No.

10/678,114

Examiner

Ernest G. Therkorn

Applicant(s)

MANACH ET AL.

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to August 4, 2005.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In claim 1, lines 2 and 3, "being characterized in that comprising" has been changed to - - comprising - - .

In claim 4, line 3, "comprising" has been changed to - - consisting of - - .

In claim 5, line 1, "or claim 4" has been deleted.

In claim 6, line 1, "any one of claims 1 to 5" has been changed to - - claim 1 - - .

In claim 7, line 1, "any one of claims 1 to 5" has been changed to - - claim 1 - - .

In claim 8, line 1, "claim 7 in combination with any one of claims 3 to 5, characterized" has been changed to - - claim 3, characterized in that it includes first detector means (15) arranged to analyze simultaneously the treated samples as delivered by the various outlets (15-i) of the chamber (17), and - - .

In claim 9, line 1, "any one of claims 3 to 8" has been changed to - - claim 7 - - and in lines 3-5, ", in particular .... range" has been deleted.

In claim 10, line 1, "or claim 9" has been deleted.

In claim 11, line 3, "comprising" has been changed to - - consisting of - - .

In claim 12, lines 1 and 2, "any one of .... to claim 11" has been changed to - - claim 10 - - .

In claim 13, lines 1 and 2, "any one of claims 1 to 12" has been changed to - - claim 1 - - .

In claim 14, lines 1 and 2, "any one of claims 1 to 13" has been changed to - - claim 1 - - .

In claim 15, lines 1 and 2, "any one of claims 1 to 14" has been changed to - - claim 1 - - .

In claim 16, lines 1 and 2, "any one of claims 1 to 15" has been changed to - - claim 1 - - .

In claim 17, lines 1 and 2, "any one of claims 1 to 16" has been changed to - - claim 1 - - .

In claim 18, lines 1 and 2, "The use of an installation .... claim in" has been changed to - - A method of - - and in line 3, after "separation", - - , comprising separating constituents of a sample with the installation of claim 1. - - has been inserted.

In claim 19, lines 1 and 2, "The use of an installation .... in" has been changed to - - A method of - - and in line 3, "in particular .... hybridization" has been changed to - - , comprising separating constituents of a sample with the installation of claim 1. - -

In claim 20, lines 1 and 2, "The use of an installation .... in" has been changed to - - A method of - - and in line 3, after "exchange", - - , comprising separating constituents of a sample with the installation of claim 1. - - has been inserted.

In claim 21, lines 1 and 2, "The use of an installation .... in" has been changed to - - A method of - - and in line 3, after "substances", - - , comprising separating constituents of a sample with the installation of claim 1. - - has been inserted.

Authorization for this examiner's amendment was given in a telephone interview with Craig A. McRobbie on September 6, 2005.

The following is an examiner's statement of reasons for allowance: Maiefski (U.S. Patent No. 6,309,541) is considered to be the closest prior art. The case has been allowed because the recited combination of elements would not have been obvious from Maiefski (U.S. Patent No. 6,309,541).

In the specification, page 5, after line 7, the following title has been inserted:

- - Brief Description of the Drawings - -

After line 16, the following title has been inserted:

- - Description of the Preferred Embodiments - -

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to E. Therkorn at telephone number (571) 272-1149. The official fax number is 571-273-8300.

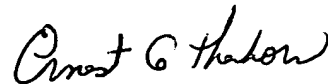
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Ernest G. Therkorn".

**Ernest G. Therkorn**  
**Primary Examiner**  
**Art Unit 1723**

EGT  
September 6, 2005